



W.P(MD)No.2431

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2024

WEB COPY

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2431 of 2024

and

W.M.P(MD)No.2440 of 2024

P.Rajmohan

... Petitioner

Vs

1.The Executive Engineer,
Water Resources Department,
Periyar-Vaigai Basin Division,
Public Works Department Office,
Madurai-625 002.

2.The Executive Engineer,
Vaigai Dam Division,
Public Works Department Office,
Vaigai Dam,
Theni-625 262.

3.The Junior Engineer,
Public Works Department,
Water Resources Department,
Vaigai River Right Side Bank Division,
Vaigai Dam, Theni.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to cancel the tender process held on 10.01.2024 pursuant to the tender notification in Letter No. 1/Ko.1/Va.Ka.Pirivu/2023, dated 21.12.2023 and further direct the authorities concerned to conduct fresh tender proceedings to harvest mangoes from 136 mango trees under the third respondent.



WEB COPY



W.P(MD)No.2431

For Petitioner : Mr.R.Aravindraj
For R1 to R3 : Mr.SRA.Ramachandran
Additional Government Pleader

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondents to cancel the tender process held on 10.01.2024 pursuant to the tender notification in Letter No.1/Ko.1/Va.Ka.Pirivu/2023, dated 21.12.2023 and further direct the authorities concerned to conduct fresh tender proceedings to harvest mangoes from 136 mango trees under the third respondent.

2. Heard Mr.R.Aravindraj, learned counsel appearing for the petitioner and Mr.SRA.Ramachandran, learned Additional Government Pleader appearing for the respondents 1 to 3. By consent, this writ petition is disposed of at the admission stage itself.

3. The case of the petitioner is that the petitioner is doing agricultural work and doing business of getting lease from the various gardens in and around area for harvesting fruits and vegetables. The fourth respondent has issued a tender notification in Letter No.1/Ko.1/Va.Ka.Pirivu/2023, dated 21.12.2023 for harvesting the mangoes from 136 mango tree under the third respondent for the period from 01.01.2024 to 31.12.2024. Since the tender calling for the harvesting of mangoes,



WEB COPY

the petitioner eagerly participated in tender proceedings held on 10.01.2024 by complying the conditions stated in the tender notification. Further, the petitioner drawn Demand Draft from Canara Bank, Cumbum Branch in favour of the first respondent for Rs.1,50,000/- through DD No.967333, dated 09.01.2024 as entry fee and he participated in the tender proceedings. Likewise, more than 100 members were participated in the tender proceeding by complying the conditions as prescribed in the tender notification. While the tender proceedings are going on, the demand of tender went high above Rs.5,00,000/-, the authorities orally instructed the participants to deposit the additional amount Rs.3,00,000/- as cash apart from the entry fee Rs.1,50,000/- and they further instructed that those who are not paying the additional amount of Rs.3,00,000/- are not allowed to participate in the further tender proceedings. Immediately, the petitioner and other persons objected the onerous condition imposed by the respondents and the condition imposed is against the tender notification and it violates the rules prescribed under Tender Transparency Act. The respondents authorities did not heed their objections and they are forcibly evicted from the tender premises with the help of police officials for the reasons best known to them. The respondent authority had a hand in glow with political personals and in order to act in favour of them, the authorities imposed onerous condition to deposit of Rs.3,00,000/- to curtail the participants in tender proceedings and the tender was ended in favour of one Chitra, W/o.Mayee. The action of the respondent is against the provision of the Tamilnadu Tender Transparency Act. In



view of the conduct of the respondent, the petitioner is not furnished with the additional deposit of Rs.3,00,000/- and deprived his right to participate in the Tender.

WEB COPY

Immediately, the petitioner has sent a representation to the authorities on 11.01.2024 seeking to cancel the tender proceedings and conduct a fresh tender. Since, the respondents have not taken any action, the petitioner has filed the present writ petition for the relief stated supra.

4.The learned Additional Government Pleader appearing for the respondents would submit that the statement of the petitioner is false. Totally more than 100 persons had participated in the tender process and they are quoting more than Rs. 5,00,000/-. Some times, after bidding the amount the participants will not pay the bid amount, hence to avoid unnecessary problems, the authorities directed the highest bidder to deposit half of the bid amount. Only two persons had quoted more than Rs.7,00,000/- and one Chitra has quoted Rs.8,00,000/- and she also paid the full bid amount immediately on 11.01.2024. Therefore, the respondents proceeded further for issuance of appropriate orders and they forwarded the amount to the department.

5. It is seen from the records that only two persons had quoted more than Rs.7,00,000/- and one Chitra has quoted a sum of Rs.8,00,000/- and she also paid the bid amount immediately on 11.01.2024. Therefore, the respondents proceeded



W.P(MD)No.2431

further for issuance of appropriate orders and they forwarded the amount to the department. The auction was conducted on 10.01.2024, the tender notification was issued on 21.12.2023, now, after one month, the petitioner has approached this Court seeking to cancel the tender process held on 10.01.2024. More over, the said Chitra was not made as party in the writ proceedings. Therefore, this Court is not inclined to interfere and to grant an order of mandamus and hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
am

07.02.2024

To

- 1.The Executive Engineer,
Water Resources Department,
Periyar-Vaigai Basin Division,
Public Works Department Office,
Madurai-625 002.
- 2.The Executive Engineer,
Vaigai Dam Division,
Public Works Department Office,
Vaigai Dam,
Theni-625 262.
- 3.The Junior Engineer,
Public Works Department,
Water Resources Department,
Vaigai River Right Side Bank Division,
Vaigai Dam, Theni.



WEB COPY



W.P(MD)No.2431

V.BHAVANI SUBBAROYAN, J.

am

W.P(MD)No.2431 of 2024

07.02.2024